



TENTH JUDICIAL DISTRICT
WAKE COUNTY
PO BOX 351, RALEIGH, NC 27602
T 919.792.4242

May 20, 2020

To: Members of the Tenth Judicial District Bar

From: Judge Paul Ridgeway, Senior Resident Superior Court Judge
Judge Robert B. Rader, Chief District Court Judge
Chris Graves, Chief Magistrate
Lorrin Freeman, District Attorney
Blair Williams, Clerk of Court
Chuck Caldwell, Public Defender
Kellie Myers, Trial Court Administrator

Re: **Expansion of Criminal District Court Operations**

As you are aware, over the past two months the courts have operated on a reduced schedule in Wake County in response to the COVID-19 pandemic and in compliance with directives from the Chief Justice. During this period, we have also worked diligently to develop plans for expanding court operations once it has been determined that we can do so in a safe manner implementing social distancing and other health precaution best practices. Any decision to expand courtroom operations has been based on input from state and local health officials, Wake County government, the Administrative Office of the Courts and the Chief Justice's recently formed COVID-19 Task Force.

After careful consideration, we will expand our current criminal District Court operations **effective June 1, 2020**, in accordance with the plan set forth below. Disposition Court will open effective June 15, 2020. While more courtrooms will be open, operations will remain below our normal pre-pandemic levels. Most noticeably, the District Attorney's Office has worked closely with the Clerk of Court's Office to reduce the dockets in our traffic and criminal courts to more manageable levels. Court officials and deputies will be striving to enforce social distancing and limiting the number of individuals in a courtroom. Courtrooms will be marked with signage and markings to encourage social distancing. Protective masks will be strongly encouraged.

Please be assured that the health and welfare of each Judicial Branch employee, attorney, law enforcement officer and member of the public that enters the Courthouse and Justice Center have been paramount in the decisions on how to expand operations. We are asking for your assistance in ensuring that social distancing and other precautionary measures are followed. Your cooperation, flexibility, and willingness to adapt to these unprecedented times for our courts is greatly appreciated.

CRIMINAL DISTRICT COURT

The following information is contingent upon directives of the Chief Justice and Governor and is subject to change at the discretion of the Chief District Court Judge to protect the health of court personnel and of the public.

Disposition Court – Courtroom 101 & 102

- Courtroom 101 will resume operations **June 15, 2020**.
- Courtroom 101 and 102 will be open to the public and operational Monday – Thursday from 7:45 am to 3:30 pm beginning June 15th.
- Courtroom 101 will be open only to attorneys on Fridays from 9:00 am to 12:00 pm.
- The kiosk will not be operational and cueing is being changed to promote social distancing.
- In order to reduce the docket size and the number of people required to appear in court, the District Attorney's Office has begun reviewing and disposing of certain minor compliance offenses such as registration violations, inspection violations, seat belt violations, no operator's license, etc. Notices will be mailed to the defendants in advance of their scheduled court date if the matter is voluntarily dismissed.
- Attorneys may handle their cases any day in Courtroom 101 but are strongly encouraged to do so on Fridays between 9:00-12 pm. Attorneys handling cases on days other than Friday should avoid peak hours to assist in reducing the number of individuals in the courtroom.
- All cases docketed for Courtroom 101 & 102 will remain in the courtroom the entire week. Cases called and failed (C&F) will not be processed until after close of court on Friday.
- Attorneys are strongly encouraged to take care of their cases that are scheduled for June and July in advance by coordinating with the District Attorney's Office.

General Criminal & Traffic – Courtrooms 201, 202 & 203

- Courtrooms 201, 202 & 203 will resume **June 1, 2020**.
- Courtrooms 201, 202 & 203 will be operating daily with morning and afternoon sessions.
- Defendants without attorneys shall appear at 9:00 am or 2:00 pm as scheduled.
- In an effort to reduce the number of individuals in the courtrooms, attorneys shall advise their clients not to appear until 10:00 am. Attorneys are not required to appear for calendar call at 9:00 am. Attorneys are expected to appear at 10:00 am with their clients for the morning session. This will allow for as many *pro se* matters as possible to be addressed before attorneys and their clients appear.
- Attorneys are encouraged to handle as many matters by waiver as possible.
- Attorneys are also encouraged to use remote options for enrollment in the 90-96 deferral program and for deferral completions. The online enrollment process for individuals who may qualify for a 90-96 deferral can be found at the Southlight website at: www.Southlight.org.
- Trials may be conducted in the course of normal operations.

DWI – Courtrooms 204 & 403

- Courtroom 204 will continue to be closed.
- Courtroom 403 will be operating daily with morning and afternoon sessions.
- DWI first settings previously scheduled in 204 will be scheduled in 403 on Fridays.
- Defendants who have attorneys making a general appearance will not be required to appear for initial settings or administrative settings.
- Attorneys may appear at 9:00 am on Fridays for initial settings. If attorneys file a written notice of appearance and provide notice to the District Attorney's Office, they will be given the new court date and do not have to appear.
- DWI cases will continue to be set in 403 for trial and pleas throughout the week and may hear DWI cases from 2nd floor courtrooms as time permits.
- Courtroom 404 will have a designated area in close proximity available for overflow to be utilized by the presiding Judge to ensure social distancing.

Felony Pleas & Non-Custody First Appearances – Courtroom 301

- Courtroom 301 will continue to operate morning sessions Monday-Friday and afternoon sessions Monday-Thursday.
- The Assistant District Attorney assigned to the calendar will identify cases for which an appearance is not needed through advance communication with defense attorneys. If the prosecutor and attorney agree that the defendant's appearance is not necessary, the defendant will be excused from appearing in court. Examples include successful deferrals, cases scheduled to go to the grand jury, cases in which both parties agree that more time is needed prior to disposition, etc.
- Defendants not in custody charged with a felony and scheduled to appear for a First Appearance will be instructed by the magistrates to appear in Courtroom 302 at 9:00 am. Defendants should wait in Courtroom 302 until their case is called.
- Courtroom 301 will have a designated area in close proximity available for overflow to be utilized by the presiding Judge to ensure social distancing.

Domestic Violence – Courtroom 303

- Courtroom 303 will be operating daily with morning and afternoon sessions.
- Defendants without attorneys shall appear at 9:00 am or 2:00 pm as scheduled.
- In an effort to reduce the number of individuals in the courtroom, attorneys shall advise their clients not to appear until 10:00 am. Attorneys are not required to appear for calendar call at 9:00 am. Attorneys are expected to appear at 10:00 am with their clients for the morning session. This will allow for as many pro se matters as possible to be addressed before attorneys and their clients appear.
- The Assistant District Attorney assigned to the calendar will identify cases for which an appearance is not needed through advance communication with defense attorneys. If the prosecutor and attorney agree that the defendant's appearance is not necessary, the defendant will be excused from appearing in court. Examples include successful deferrals, cases scheduled to go to the grand jury, cases in which both parties agree that more time is

needed prior to disposition, deferral cases where progress is being made but additional time is need for completion, etc.

- All DV first appearances will be continue to be conducted by video remote proceedings.
- Courtroom 303 will have a designated area in close proximity available for overflow to be utilized by the presiding Judge to ensure social distancing.

First Appearances – Courtroom 304

- Courtroom 304 will continue to operate every afternoon at 2:00 pm to conduct first appearances for those individuals in custody.
- All first appearances will be conducted by video remote proceedings with the exception of cases involving homicides, extraditions or those cases where the presiding Judge has authorized an in-person appearance by the defendant.

Misdemeanor Probation Violations – Courtroom 304

- Courtroom 304 will continue to conduct misdemeanor probation violation hearings on Tuesday and Wednesday mornings only at 9:00 for both custody and non-custody cases.

People’s Court (Non-Law Enforcement Cases) & Special Settings – Courtroom 302

- Courtroom 302 will operate on Friday mornings for special settings only.
- All People’s Court cases will be rescheduled to future court dates until further notice.
- Attorneys should coordinate in advance with the Assistant District Attorney assigned to the courtroom regarding special settings.
- All citizen initiated, non-law enforcement, cases normally set in Courtroom 304 on the first and third Friday of the month for first setting and mediations will be automatically continued with notices mailed to the defendants of the new court date.
- No People’s Court mediations will be held in Courtroom 304 until further notice.

Recovery Court – Courtroom 4B

- Recovery Court will resume regular court sessions on Friday mornings at 9:30 am in Courtroom 4B.
- Court sessions will be scheduled in shifts to minimize the number of individuals in the courtroom and to practice social distancing. Participants with last names beginning with A-L will report at 9:30 am. Participants with last names beginning with M-Z will report at 10:30 am.